

Exhibit 1

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

CONNECTICUT GENERAL LIFE §
INSURANCE COMPANY AND §
CIGNA HEALTH AND LIFE §
INSURANCE COMPANY §
§ Plaintiff, § JURY DEMANDED
VS. § CIVIL ACTION NO.: 4:13-CV-3291
HUMBLE SURGICAL HOSPITAL, LLC §
§ Defendant. §

DECLARATION OF BRIAN D. MELTON IN SUPPORT OF
HUMBLE SURGICAL HOSPITAL, LLC'S
MOTION FOR ATTORNEY'S FEES

I, Brian D. Melton, declare as follows:

1. I am a partner at Susman Godfrey L.L.P. ("Susman Godfrey"), and counsel for Defendant Humble Surgical Hospital, LLC in the above-captioned matter. I submit this Declaration in support of Humble's Motion for Attorney's Fees in connection with services rendered in this matter.
2. The factual matters set forth and the assertions made herein are true and correct to the best of my knowledge, information, and belief.
3. Humble retained Susman Godfrey in December 2013 as counsel in this case. Susman Godfrey already represented Humble in another case filed by Andrews Kurth on behalf of Aetna. In July 2014, the firm of Pierce & O'Neill replaced Susman Godfrey as counsel for Humble after Susman Godfrey learned of a potential conflict in its representation of Humble in the Aetna matter. At that time, for financial reasons, Humble made the decision to have only one firm represent them in both Andrews Kurth-filed cases. Susman Godfrey returned as counsel for

Humble in April 2015, and Pierce & O'Neill withdrew. Doc. 73.

4. Humble seeks reimbursement of Susman Godfrey's and Pierce & O'Neill's attorney's fees in the amount of \$2,743,790.25. Of that, \$2,253,504.25 is attributable to Susman Godfrey work, and \$490,286 is attributable to work by Pierce & O'Neill. The following chart provides a timekeeper-by-timekeeper summary of the hours expended, average hourly rates, and total time value for each of the Susman Godfrey timekeepers who billed more than 100 hours to this matter. Other Susman Godfrey timekeepers assisted in this matter, but did not bill more than a few hours. All told, those timekeepers expended approximately \$82,000 worth of time that Humble is not seeking. The data in the chart below are current through March 21, 2016, and does not include time worked on the Aetna matter in 2013-2014.

Timekeeper	Hours Worked	Average Hourly Rate	Time Value
Brian Melton	785.5	\$645	\$506,315.00
Jonathan Ross	682.4	\$720	\$491,427.50
Chanler Langham	519.5	\$550	\$285,725.00
John Lahad	1,137.8	\$450	\$512,010.00
Joanna Stanley	773.6	\$270	\$208,852.00
Aimee Vidaurri	431.3	\$263	\$113,627.50
Melissa Downey	312.5	\$270	\$84,400.00
Catherine Garza	186.0	\$275	\$51,147.25
Totals	4,828.6	\$467	\$2,253,504.25

5. This chart was prepared from contemporaneous daily time records regularly prepared and maintained by Susman Godfrey. Those records are available for submission to the Court for review *in camera*. The billing rate listed for each individual is the average hourly rate

for all time spent by that individual in that phase. The hourly rates used in the preparation of the above chart are the usual and customary hourly rates charged for the services of the partners, associates, and staff.

6. I have personally supervised all aspects of the case since prior to being formally retained by Humble prior to the filing of this lawsuit through July 2014 and then from April 2015 to the present. Additionally, I served as lead counsel for Humble in this litigation and at trial.

7. All of the work performed by Susman Godfrey attorneys and staff to bring this case to a successful conclusion was performed at my direction. All work was performed efficiently and economically and in order to avoid unnecessary expenditures of time and expense. It has always been our goal to bring this case to a resolution as quickly as possible.

8. I participated in all aspects of this case, including pre-suit, discovery, pre-trial, and trial. I am a graduate of the University of Houston Law Center and a former law clerk to Judge Thomas Stagg of the United States District Court for the Western District of Louisiana. I have over 16 years of experience litigating complex commercial disputes, preparing such cases for trial, and trying those cases. My average hourly rate for time spent working on this matter is \$645; I spent a total of 785.5 hours working on the case.

9. Mr. Ross is a partner at Susman Godfrey, a graduate of Yale Law School, and a former law clerk to Judge Lynn Hughes of the United States District Court for the Southern District of Texas. Mr. Ross has over 20 years of experience litigating complex commercial disputes, preparing such cases for trial, and trying those cases. He participated in all aspects of this case since December 2013, including discovery, pre-trial matters, and trial. Mr. Ross spent 682.4 hours working on this case at an average hourly rate of \$720.

10. Mr. Langham is a partner at Susman Godfrey, a graduate of Columbia Law

School, and a former law clerk to Judge Vanessa Gilmore of the United States District Court for the Southern District of Texas. He has over 12 years of experience litigating complex commercial disputes, preparing such cases for trial, and trying those cases. He participated in all aspects of this case since April 2015, including discovery, pre-trial matters, deposition and trial. Mr. Langham spent 519.5 hours working on this case at an average hourly rate of \$550.

11. Mr. Lahad is an associate at Susman Godfrey, a graduate of the University of Houston Law Center, and a former law clerk to Judge David Folsom of the United States District Court for the Eastern District of Texas. He has approximately six years of experience litigating complex commercial disputes, preparing such cases for trial, and trying those cases. He participated in all aspects of this case since April 2015, including discovery, depositions, pre-trial matters, and trial. Mr. Lahad spent 1,137.8 hours working on this case at an average hourly rate of \$450.

12. Aimee Vidaurri is a staff attorney at Susman Godfrey. Melissa Downey and Catherine Garza were Susman Godfrey staff attorneys, but are no longer with the firm. Each is admitted in Texas and assisted in this matter with tasks such as reviewing documents, crafting pleadings and discovery, legal research, and preparing for trial. These attorneys in total spent 929.8 hours on this case at an average hourly rate of \$263 to \$275.

13. Joanna Stanley is a senior paralegal at Susman Godfrey with over 15 years of experience in commercial litigation. Ms. Stanley spent 773.6 hours working on this case; her average hourly rate for time spent on this matter is \$270.

14. Susman Godfrey and Pierce & O'Neill represented Humble on hourly or fixed monthly fee agreements until March 2015. Since Susman Godfrey returned as counsel in April 2015, Susman Godfrey has represented Humble pursuant to a contingent fee arrangement. By

representing Humble in this matter, my team and I were forced to forego other work or set that work aside in order to execute our responsibilities in this case.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 24th day of March, 2016.



Brian D. Melton